

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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POSTAL RATE AND FEE CHANGES, 2000

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POSTAL RATE COMMISSION  
OFFICE OF THE CLERK  
Docket No. R2000-1

**UNITED STATES POSTAL SERVICE MOTION TO STRIKE  
PORTIONS OF THE SUPPLEMENTAL TESTIMONY OF  
MAJOR MAILERS ASSOCIATION WITNESS BENTLEY (MMA-ST-1)  
AND MOTION FOR EXPEDITED RULING  
(August 25, 2000)**

In accordance with section 3001.30(g) of the Rules of Practice and Procedure, the United States Postal Service hereby moves to strike portions of the August 23, 2000, supplemental testimony of MMA witness Bentley (MMA-ST-1). The following portions of that testimony should be stricken:

- (a) page 1, line 20 through page 2, line 15;
- (b) page 2, lines 19<sup>1</sup> through 21;
- (c) page 3, lines 11<sup>2</sup> through 15;
- (d) page 5, line 7 through page 11, line 5;
- (e) page 11, line 14<sup>3</sup> through page 12, line 6; and
- (f) Exhibit MMA-ST-1A.

Under the terms of Presiding Officer's Ruling No. R2000-1/116 (August 11, 2000), parties were permitted to file supplemental testimony revising their original direct testimony on the basis of information provided in the Postal Service's FY99-based

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<sup>1</sup> The Postal Service moves that everything on line 19 after the word "more" be stricken and replaced with a period.

<sup>2</sup> The Postal Service moves that everything on line 11 after the word "operations" be stricken and replaced with a period.

<sup>3</sup> The Postal Service moves that everything on line 14 after "each other." be stricken and replaced with a period.

updates of the following library references: USPS-LR-I-137, I-146, I-147, I-160 and I-162. The updates were filed on August 18, 2000, respectively, in USPS-LR-I-466, I-472, I-468, I-471, and I-467, (with revisions dated August 21, 2000). Ruling No. R2000-1/116, at page 4, emphasized that it was "this information" which could be incorporated in any supplemental testimony. At two other points on that same page, the Ruling made clear that supplemental testimony was to be limited to earlier testimony which was "impacted by the update material . . . ."

The above-listed portions of MMA-ST-1 clearly violate the terms of the Ruling. Not one of the portions identified above is based upon or relates to the recent provision of FY99 data. At MMA-ST-1, page 1, line 20, Mr. Bentley explicitly confesses that the subject matter of the challenged testimony, "additional workshare activities"

came to . . . [his] attention after . . . [his] original testimony was filed only as a result of interrogatories . . . directed to MMA witness Sharon Harrison."

MMA-ST-1 at 1, lines 21-23. As the Commission is aware, Ms. Harrison's and Mr. Bentley's direct testimonies (MMA-T-2 and MMA-T-1, respectively) were filed on May 22, 2000. Both witnesses appeared for cross-examination on July 12, 2000. See Tr. Vol. 26 at 12214 and 12269, respectively. Witness Bentley's opportunity to generally criticize the direct testimony of Postal Service witness Miller<sup>4</sup> -- or otherwise testify about the treatment of "additional workshare activities" discussed by witness Harrison -- expired on July 12<sup>th</sup>. Those opportunities are not resuscitated by Presiding Officer's Ruling No. R2000-1/116, which only allows Mr. Bentley to update his original testimony using a FY 99 base year.

The same conclusion also must be reached regarding the other above-referenced portions of MMA-ST-1. Presiding Officer's Ruling No. R2000-1/116 provides

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<sup>4</sup> (USPS-T-24; Tr. 7/3031*et seq.*)

no basis for supplemental testimony about "Additional Mail Preparation Cost Savings Not Previously Measured", the subject matter of Section III and Exhibit MMA-ST-1A of MMA-ST-1. These portions of Mr. Bentley's supplemental testimony are not based on any of the aforementioned library reference updates. Instead, these portions of his supplemental testimony represent an attempt to address matters which could have been incorporated in MMA-T-1 or to expand upon MMA-T-1 in a manner unrelated to the FY 99 base year updates. The topics improperly included in MMA-ST-1 relate to such matters as:

the impact of mail platform operation costs on mail preparation requirements;<sup>5</sup>

the impact of mail preparation requirements on mail preparation costs;<sup>6</sup>

whether mail preparation requirements are discriminatory;<sup>7</sup> and

an estimate of potential platform and mail preparation cost savings excluded from witness Miller's workshare-related analysis;<sup>8</sup>

Accordingly, the Postal Service moves that the above-described and related portions of MMA-ST-1 be stricken.

MMA-ST-1 was filed on August 23, 2000. MMA is scheduled to move the testimony into evidence on Tuesday, August 29, 2000. The Postal Service is sensitive to the extraordinary time constraints under which all are presently working and has filed this motion as expeditiously as possible, in order to enhance the possibility that this controversy can be resolved either before or upon the commencement of Mr. Bentley's scheduled appearance on the 29th.

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<sup>5</sup> MMA-ST-1, Section III.A.

<sup>6</sup> *Id.* at Section III.B.

<sup>7</sup> *Id.* at Section III.C.

<sup>8</sup> Exhibit MMA-ST-1A.

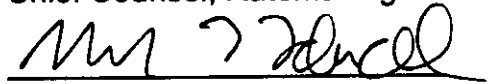
An electronic version of this motion has been transmitted to MMA counsel today. The Postal Service is authorized to represent that MMA counsel will make his best effort to file a response on Monday, August 28<sup>th</sup>.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

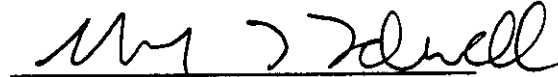
Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking



Michael T. Tidwell

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



Michael T. Tidwell

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August 25, 2000